

**ASSEMBLY BILL**

**No. 1451**

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**Introduced by Assembly Member Montanez**

February 22, 2005

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An act to amend Section 17071.75 of, and to repeal Sections 17071.35 and 17071.40 of, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1451, as introduced, Montanez. School facilities: new construction eligibility.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

Existing law provides that a school district's ongoing eligibility for new construction funding is determined by making calculations related to certain factors, including, but not limited to, enrollment projections, the number of students that may be adequately housed in the existing school building capacity of the district, and increases or decreases in enrollment resulting from the Year-Round School Grant Program.

This bill would delete enrollment changes reported under the Year-Round School Grant Program from the calculations used to determine a school district's ongoing eligibility for new school construction funding.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17071.35 of the Education Code is  
2 repealed.

3 ~~17071.35. Notwithstanding any other provisions of law, the~~  
4 ~~maximum school building capacity for each applicant district~~  
5 ~~shall be increased by the number of pupils reported by the~~  
6 ~~Superintendent of Public Instruction for that grade level pursuant~~  
7 ~~to Section 42268. This adjustment shall be calculated on the~~  
8 ~~basis, at the district's option, of either the district as a whole or~~  
9 ~~the appropriate attendance area.~~

10 SEC. 2. Section 17071.40 of the Education Code is repealed.

11 ~~17071.40. Each school on a year-round, multitrack calendar~~  
12 ~~that has a density of 200 or more pupils enrolled per acre, that is~~  
13 ~~located in a school district with 40 percent of its pupils attending~~  
14 ~~multitrack, year-round schools shall be exempted from the~~  
15 ~~increase in school building capacity required by Section~~  
16 ~~17071.35. Nothing in this section shall be construed as~~  
17 ~~exempting the school from the requirements of Section 17071.33.~~

18 SEC. 3. Section 17071.75 of the Education Code is amended  
19 to read:

20 17071.75. After a one-time initial report of existing school  
21 building capacity has been completed, a school district's ongoing  
22 eligibility for new construction funding shall be determined by  
23 making all of the following calculations:

24 (a) Each school district that applies to receive funding for new  
25 construction shall calculate enrollment projections for the fifth  
26 year beyond the fiscal year in which the application is made.  
27 Projected enrollment shall be determined by utilizing the cohort  
28 survival enrollment projection system, as defined and approved  
29 by the board. The board may supplement the cohort survival  
30 enrollment projection by the number of unhoused pupils that are  
31 anticipated as a result of dwelling units proposed pursuant to  
32 approved and valid tentative subdivision maps.

33 (b) Add the number of pupils that may be adequately housed  
34 in the existing school building capacity of the applicant district as  
35 determined pursuant to Article 2 (commencing with Section  
36 17071.10) to the number of pupils for which facilities were  
37 provided from any state or local funding source after the existing  
38 school building capacity was determined pursuant to Article 2

1 (commencing with Section 17071.10). For this purpose, the total  
2 number of pupils for which facilities were provided shall be  
3 determined using the ~~pupil-loading~~ *pupil-loading* formula set  
4 forth in Section 17071.25.

5 (c) Subtract the number of pupils pursuant to subdivision (b)  
6 from the number of pupils determined pursuant to subdivision  
7 (a).

8 (d) The calculations required to establish eligibility under this  
9 article shall result in a distinction between the number of existing  
10 unhoused pupils and the number of projected unhoused pupils.

11 ~~(e) Apply the increase or decrease resulting from the~~  
12 ~~difference between the most recent report made pursuant to~~  
13 ~~Section 42268, and the report used in determining the school~~  
14 ~~district's baseline capacity pursuant to subdivision (a) of Section~~  
15 ~~17071.25.~~

16 ~~(f)~~

17 (e) For a school district with an enrollment of 2,500, or less, an  
18 adjustment in enrollment projections shall not result in a loss of  
19 ongoing eligibility to that school district for a period of three  
20 years from the date of the approval of eligibility by the board.